

### REMARKS

In the last Office Action, claims 10-30 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite due to the recitation of "the focused ion beam" in claims 20 and 23. Claims 10-12, 14-19, 22-25 and 27-30 were provisionally rejected under 35 U.S.C. §102(e) as being anticipated by copending Application No. 09/740,662 (which has matured to U.S. Patent No. 6,504,164). Claims 1-9 were allowed, and claims 13, 20-21 and 26 were objected to as being dependent upon a rejected base claim and were otherwise indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner acknowledged applicant's claim for foreign priority under 35 U.S.C. §119 and noted that a certified copy of the priority document has not yet been received.

In accordance with this response, applicant has elected to accept the allowed and allowable claims to expedite issuance of the patent.

Thus in accordance with this response, allowable dependent claim 13 has been rewritten in amended form to incorporate the subject matter of base claim 10, thereby placing claim 13 in allowable form. Dependent claims 14, 16

and 18 have been amended to depend on now-allowable claim 13, thereby placing these claims in allowable form.

Allowable dependent claim 20 has been rewritten in amended form to incorporate the subject matter of base claim 10 and intervening claim 19, thereby placing claim 20 in allowable form. Claim 21 depends on now-allowable claim 20 and is thus likewise allowable.

Independent claim 23 has been amended to incorporate the subject matter of allowable dependent claim 26 and intervening claim 24, thereby placing claim 23 in allowable form. Claims 27-29 depend on now-allowable claim 23 and are therefore likewise allowable. The preamble of claims 27-29 has been amended to conform to that of amended base claim 23.

Claims 10-12, 15, 18, 19, 22, 24-26 and 30 have been canceled.

As a result of these amendments, only allowed claims 1-9 and allowable claims 13, 14, 16, 17, 20, 21, 23 and 27-29 remain pending in the application. In view of the Examiner's allowance of claims 1-9 and indication of allowability concerning the remaining pending claims, the application is now believed to be in allowable form.

Accordingly, favorable reconsideration and passage  
of the application to issue are respectfully requested.

Respectfully submitted,

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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: MS FEE AMENDMENT, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Debra Buonincontri

Name



Signature

October 14, 2004

Date